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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,294	07/18/2003	M. Steve Lessley	14120	4116

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EXAMINER

LAMB, BRENDA A

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,294

Applicant(s)

LESSLEY ET AL.

Examiner

Brenda A. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14,17-27,29-31,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-26 and 34 is/are allowed.
- 6) ☒ Claim(s) 14,18-21,27,29-31 and 33 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The after-final amendment filed 2/28/2006 has been entered and the finality of the last office action has been withdrawn.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 33 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 25, 27 and 32 of copending Application No. 10/863,463 (Bolyard et al) in view of Louch et al.

Bolyard et al claims a strand coating system comprising: an adhesive dispensing device having an adhesive dispensing orifice; a strand guide block which reads on a strand axial orientation aligning member coupled to the adhesive dispensing device stand axial orientation aligning member positioned in substantial alignment with the adhesive dispensing orifice, the adhesive dispensing device includes an adhesive dispensing nozzle apparatus and the strand axial orientation aligning member coupled

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to a module. Bolyard et al fails to claim the strand coating system includes a strand guide member. However, it would have been obvious to modify the Bolyard et al claims a strand coating system includes a strand guide member such that the strand axial orientation aligning member is disposed between strand guide member and the adhesive dispensing orifice since Louch et al shows a strand guide member upstream of an adhesive dispensing device having an adhesive dispensing orifice and strand axial orientation aligning member for the taught of facilitating alignment of the strand with the adhesive dispensing device.

This is a provisional obviousness-type double patenting rejection.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Louch et al.

Louch et al teaches as shown in his figure a strand coating system which is comprised of the following elements: an adhesive dispensing device having an adhesive dispensing orifice (elements 27 or 28); a strand guide member (element 31 or 32) which guides the strand past the fluid dispensing orifice (elements 27 or 28); pin 34 or 35 with traverse gaps of sufficient width to permit engagement and passage of the strand there through, the pin 34 or 35 is located between the strand guide member 30 and the fluid dispensing orifice (elements 34 or 35) such that the strand is drawn from the strand guide member over the fluid dispensing orifice is engaged with the strand orienting pin. Louch et al traverse gaps within pins 34 or 35 as depicted in the drawing are substantially aligned with the adhesive dispensing orifices thereby obviously acting as a further aligning means for aligning the strand relative to the adhesive dispensing orifice. The Louch et al shows the strand axial-orientation alignment member is a pin having an axis extending substantially transverse to a direction in which a strand is drawn past the adhesive dispensing device. It is suggested that applicant define claim 14 over Louch et al by amending claim 14 as follows: at line 10 of claim 14 after "extending substantially transverse to a" delete "direction in which a strand is drawn" and insert -- the plane of travel of the strand --. Thus claim 14 is obvious over Louch et al. With respect to claims 20-21, Louch et al shows in his figure the strand guide member include a strand guide roller 31 not aligned with the adhesive dispensing orifice and strand axial orientation aligning member. Louch et al shows the pin include a recessed area or transverse

gaps. With respect to claims 18-19, Louch et al shows the strand guide member (element 31 or 32) is coupled or fixedly mounted to the stationary support or support module (not shown but taught at column 3 lines 40-43). Louch et al strand guide member is adjustably coupled to the stationary support or support module via adjustable mounting means 29 (see column 5 lines 42-47).

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCall 4,984,440 in view of Louch et al.

McCall claims a strand coating system comprising: an adhesive dispensing device having an adhesive dispensing orifice 34; a strand axial orientation aligning member (32a, 32b) coupled to the adhesive dispensing device stand axial orientation aligning member positioned in substantial alignment with the adhesive dispensing orifice, the adhesive dispensing device includes an adhesive dispensing nozzle apparatus and the strand axial orientation aligning member coupled to a module. McCall fails to claim the strand coating system includes a strand guide member. However, it would have been obvious to modify the McCall claims a strand coating system includes a strand guide member such that the strand axial orientation aligning member is disposed between strand guide member and the adhesive dispensing orifice since Louch et al shows a strand guide member upstream of an adhesive dispensing device having an adhesive dispensing orifice and strand axial orientation aligning member for the taught of facilitating alignment of the strand with the adhesive dispensing device.

Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 17 depends on cancelled claim 32.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

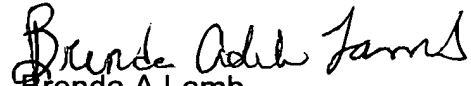
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 27 and 29-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed specification fails to teach or suggest that the bottom of the module is non-parallel to the end of the module. Note the recitation the bottom of the module is non-parallel to the end of the module reads on the wide variety of relationships between bottom of the module and end of the module such as one wherein the end or end surface of the module forms an acute angle with the bottom of the module.

Claims 22-26 and 34 are allowed.

Any inquiry concerning this communication should be directed to Brenda A. Lamb at telephone number (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday with alternate Wednesdays off.


Brenda A Lamb
Examiner
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